

Cabela's Inc.,
Plaintiff and Counterclaim-Defendant,
v.
Kelora Systems, LLC,
Defendant and Counterclaim-Plaintiff.)

No. 4:11-cv-1398-CW (filed Mar. 23, 2011)
(related case)

1 Kelora Systems, LLC,) No. 4:11-cv-1548-CW (filed Nov. 8, 2010)
2) (related case)

3 *Plaintiff and Counterclaim-Defendant,*)

4 v.)

5 Target Corporation; OfficeMax)
6 Incorporated; Rockler Companies, Inc.; 1-)
7 800-Flowers.com, Inc.; Amazon.com, Inc.;)
8 Dell, Inc.; Office Depot, Inc.; Newegg Inc.;)
9 Costco Wholesale Corporation; Hewlett-)
10 Packard Company; CircuitCity.com Inc.;)
11 Audible, Inc.; and Zappos.com, Inc.,)

12 *Defendants and Counterclaim-*)
13 *Plaintiffs.*)

14 OfficeMax Incorporated,)

15 *Third-Party Plaintiff,*)

16 v.)

17 Adobe Systems Incorporated,)

18 *Third-Party Defendant.*)

19 Nebraska Furniture Mart, Inc.,) No. 4:11-cv-2284-CW (filed Feb. 3, 2011)
20) (related case)

21 *Plaintiff and Counterclaim-Defendant,*)

22 v.)

23 Kelora Systems, LLC,)

24 *Defendant and Counterclaim-Plaintiff.*)

1 I, Benjamin Kleinman, declare as follows:

2 1. I am an attorney with the law firm of Manatt, Phelps and Phillips, counsel for
3 Kelora Systems, LLC ("Kelora") in the above-captioned actions. The facts are true and correct,
4 within my own personal knowledge, including through my communications with my colleagues
5 and my review of materials in my role as counsel in these actions. If called upon to do so, I could
6 and would competently testify as to those facts.

7 2. This declaration is submitted in support of Kelora's Opposition to Defendants'
8 Claim Construction Brief and Motion for Summary Judgment of Invalidity and Non-
9 Infringement.

10 3. Attached as Exhibit A is a true and correct copy of a claim chart that is Appendix
11 A (Nebraska Furniture Mart) attached to Kelora's Disclosure of Asserted Claims and
12 Infringement Contentions served on June 9, 2011.

13 4. Attached as Exhibit B is a true and correct copy of a claim chart that is Appendix
14 B (Cabela's) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions
15 served on June 9, 2011.

16 5. Attached as Exhibit C is a true and correct copy of a claim chart that is Appendix
17 C (Target Corporation) attached to Kelora's Disclosure of Asserted Claims and Infringement
18 Contentions served on June 9, 2011.

19 6. Attached as Exhibit D is a true and correct copy of a claim chart that is Appendix
20 D (Office Max, Inc.) attached to Kelora's Disclosure of Asserted Claims and Infringement
21 Contentions served on June 9, 2011.

22 7. Attached as Exhibit E is a true and correct copy of a claim chart that is Appendix
23 G (Rockler) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions
24 served on June 9, 2011.

25 8. Attached as Exhibit F is a true and correct copy of a claim chart that is Appendix
26 H (1-800-FLOWERS) attached to Kelora's Disclosure of Asserted Claims and Infringement
27 Contentions served on June 9, 2011.

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9. Attached as Exhibit G is a true and correct copy of a claim chart that is Appendix K (Amazon.com) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions served on June 9, 2011.

10. Attached as Exhibit H is a true and correct copy of a claim chart that is Appendix L (Dell, Inc.) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions served on June 9, 2011.

11. Attached as Exhibit I is a true and correct copy of a claim chart that is Appendix M (Office Depot) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions served on June 9, 2011.

12. Attached as Exhibit J is a true and correct copy of a claim chart that is Appendix N (Newegg) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions served on June 9, 2011.

13. Attached as Exhibit K is a true and correct copy of a claim chart that is Appendix O (Costco) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions served on June 9, 2011.

14. Attached as Exhibit L is a true and correct copy of a claim chart that is Appendix P (HPDC) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions served on June 9, 2011.

15. Attached as Exhibit M is a true and correct copy of a claim chart that is Appendix Q (CircuitCity.com) attached to Kelora's Disclosure of Asserted Claims and Infringement Contentions served on June 9, 2011.

16. Attached as Exhibit N are true and correct excerpts of the deposition transcript of Nicholas Arnett as taken on September 26, 2011.

17. Attached as Exhibit O are true and correct excerpts of the deposition transcripts of Sherif Danish as taken on January 20, 2009 in *PartsRiver, Inc. v. Shopzilla, Inc., et al.*, USDC, EDTX, Case No. 2-07-cv-440-DF.

